

THURSDAY, APRIL 19, 2001
TWENTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Maddox.

Representative Maddox led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Roach; personal reasons.

Representative Todd; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 238: Rep(s). Beavers as prime sponsor(s).

House Bill No. 517: Rep(s). U. Jones and J. DeBerry as prime sponsor(s).

House Bill No. 1245: Rep(s). U. Jones and J. DeBerry as prime sponsor(s).

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House Bill No. 1316: Rep(s). Bone as prime sponsor(s).

House Bill No. 1697: Rep(s). Overbey, Walker and Hargett as prime sponsor(s).

ENROLLED BILLS

April 17, 2001

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 465, 484, 1206, 1634, 1680, 1815, also, House Joint Resolution(s) No(s). 63.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 17, 2001

The Speaker signed the following: House Bill(s) No(s). 465, 484, 1206, 1634, 1680, 1815; also, House Joint Resolution(s) No(s). 63.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 465, 484, 1206, 1634, 1680, 1815; also, House Joint Resolution(s) No(s). 63; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 17, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 465, 484, 1206, 1634, 1680, 1815; also, House Joint Resolution(s) No(s). 63.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 17, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 37, 62, 96, 102, 177, 229, 357, 508, 916, 1189, 1507, 1605, 1658, 1685, 1767, 1775; also, Senate Joint Resolution(s) No(s). 156, 158 and 163 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED
April 17, 2001

The Speaker signed the following: Senate Bill(s) No(s). 37, 62, 96, 102, 177, 229, 357, 508, 916, 1189, 1507, 1605, 1658, 1685, 1767, 1775; also, Senate Joint Resolution(s) No(s). 156, 158 and 163.

MESSAGE FROM THE GOVERNOR
April 18, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 130, 463, 785, 894, 1573 and 1982, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
April 18, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 46, 171, 172, 173, 176, 177, 178, 183, 184, 186, 187, 188, 189, 190, 192, 193, 194, 195, 197, 198, 199, 200, 201, 202 and 204, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE
April 19, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 177; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 177 -- Naming and Designating - "Kelly Lynn Greene Day," April 21, 2001. by *Haynes, *Harper.

MESSAGE FROM THE SENATE
April 19, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 212; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 212 -- Memorials, Recognition - Mr. R.L. Wheeler. by *Davis L.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 58, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 178, 179, 180, 181, 182 and 183; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 58** -- General Assembly - Creates special joint committee to study need for mental health and chemical dependency utilization review. Amends TCA. by *Graves, *Kurita, *Dixon.

Senate Joint Resolution No. 165 -- Memorials, Recognition - Page Yarborough, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 166 -- Memorials, Personal Achievement - Emily Edler, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 167 -- Memorials, Personal Achievement - Erin Henegar, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 168 -- Memorials, Personal Achievement - Wendy LeQuire, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 169 -- Memorials, Personal Achievement - Meredith Jagger, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 170 -- Memorials, Personal Achievement - Megan McGarry, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 171 -- Memorials, Academic Achievement - Rachel Mathews, Salutatorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 172 -- Memorials, Academic Achievement - Maetinee Chitprasert, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 173 -- Memorials, Academic Achievement - Derrick Christopher, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 174 -- Memorials, Academic Achievement - Krista Michelle Hobby, Valedictorian, East Robertson High School. by *Graves.

Senate Joint Resolution No. 175 -- Memorials, Personal Achievement - Sara Watson, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 178 -- Memorials, Death - Trooper John Robert Davis, Tennessee Highway Patrol. by *Jackson.

Senate Joint Resolution No. 179 -- Memorials, Recognition - Dan and Margaret Maddox. by *Jackson, *Henry, *Cohen.

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Senate Joint Resolution No. 180 -- Memorials, Recognition - H.R. Lovell. by *Jackson.

Senate Joint Resolution No. 181 -- Memorials, Death - Mark Deloach, Kellye Whitmore, and Jason Hogan. by *Jackson.

Senate Joint Resolution No. 182 -- Memorials, Recognition - James H. Quillen College of Medicine. by *Crowe.

Senate Joint Resolution No. 183 -- Memorials, Recognition - University of Tennessee Academy of Students of Pharmacy, Operation Immunization National Winner. by *Dixon, *Person, *Norris, *McNally.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Phillips was recognized in the Well to introduce the 2000-01 Shelbyville Central High School girls' basketball team, TSSAA Class AAA state champions for remarks.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 23, 2001:

House Resolution No. 57 -- Memorials, Retirement - Master Sergeant Charles Raymond Hicks. by *Ferguson.

House Resolution No. 58 -- Memorials, Recognition - Boy Scout Troop 101 of Kingston, 60th Anniversary. by *Ferguson.

House Joint Resolution No. 264 -- Memorials, Recognition - Knox County Sheriff's Race for Victim's Rights. by *Buttry.

House Joint Resolution No. 265 -- Memorials, Sports - Joe Bridges, Ripley High School Baseball Coach, 500th Victory. by *Fitzugh.

House Joint Resolution No. 266 -- Memorials, Retirement - Rick Sullivan. by *Fitzugh.

House Joint Resolution No. 267 -- Memorials, Personal Achievement - Rachel Smalley. by *Bunch.

House Joint Resolution No. 268 -- Memorials, Professional Achievement - Gloria Scott-Richmond, Nominee for 2002 Tennessee Teacher of the Year. by *Bunch.

House Joint Resolution No. 270 -- Memorials, Recognition - Elmer Mize, Blount County Citizen of the Year. by *Overbey, *McCord.

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House Joint Resolution No. 271 -- Memorials, Recognition - Ruby Tuesday, Blount County Corporate Citizen of the Year. by *Overbey, *McCord.

House Joint Resolution No. 272 -- Memorials, Academic Achievement - Michelle Boyd, Valedictorian, Smyrna High School. by *Beavers, *Hood, *Rowland.

House Joint Resolution No. 273 -- Memorials, Academic Achievement - Heather Lee Jones, Salutatorian, Smyrna High School. by *Beavers, *Hood, *Rowland.

House Joint Resolution No. 274 -- Memorials, Academic Achievement - Amy Parker, Valedictorian, Smyrna High School. by *Beavers, *Hood, *Rowland.

House Joint Resolution No. 275 -- Memorials, Academic Achievement - Kathryn Michelle Garland, Valedictorian, Smyrna High School. by *Beavers, *Hood, *Rowland.

House Joint Resolution No. 276 -- Memorials, Academic Achievement - Amy Michaelson, Valedictorian, Smyrna High School. by *Beavers, *Hood, *Rowland.

House Joint Resolution No. 277 -- Memorials, Academic Achievement - Kyle Lewis Hancock, Valedictorian, Smyrna High School. by *Beavers, *Hood, *Rowland.

House Joint Resolution No. 278 -- Memorials, Academic Achievement - Tara Ann Barrier, Valedictorian, Smyrna High School. by *Beavers, *Hood, *Rowland.

House Joint Resolution No. 279 -- Memorials, Retirement - Lydia Lewis. by *Mumpower.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 23, 2001:

Senate Joint Resolution No. 151 -- Naming and Designating - "Police Memorial Day," May 15, 2001; "Police Memorial Week," May 13-19, 2001. by *Burks, *Henry, *Kurita, *Harper, *Kyle, *Williams, *McNally, *Cohen, *Herron.

Senate Joint Resolution No. 212 -- Memorials, Recognition - Mr. R.L. Wheeler. by *Davis L.

Senate Joint Resolution No. 165 -- Memorials, Recognition - Page Yarborough, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 166 -- Memorials, Personal Achievement - Emily Edler, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 167 -- Memorials, Personal Achievement - Erin Henegar, Girl Scout Gold Award. by *Clabough.

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Senate Joint Resolution No. 168 -- Memorials, Personal Achievement - Wendy LeQuire, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 169 -- Memorials, Personal Achievement - Meredith Jagger, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 170 -- Memorials, Personal Achievement - Megan McGarry, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 171 -- Memorials, Academic Achievement - Rachel Mathews, Salutatorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 172 -- Memorials, Academic Achievement - Maetinee Chitprasert, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 173 -- Memorials, Academic Achievement - Derrick Christopher, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 174 -- Memorials, Academic Achievement - Krista Michelle Hobby, Valedictorian, East Robertson High School. by *Graves.

Senate Joint Resolution No. 175 -- Memorials, Personal Achievement - Sara Watson, Girl Scout Gold Award. by *Clabough.

Senate Joint Resolution No. 178 -- Memorials, Death - Trooper John Robert Davis, Tennessee Highway Patrol. by *Jackson.

Senate Joint Resolution No. 179 -- Memorials, Recognition - Dan and Margaret Maddox. by *Jackson, *Henry, *Cohen.

Senate Joint Resolution No. 180 -- Memorials, Recognition - H.R. Lovell. by *Jackson.

Senate Joint Resolution No. 181 -- Memorials, Death - Mark Deloach, Kellye Whitmore, and Jason Hogan. by *Jackson.

Senate Joint Resolution No. 182 -- Memorials, Recognition - James H. Quillen College of Medicine. by *Crowe.

Senate Joint Resolution No. 183 -- Memorials, Recognition - University of Tennessee Academy of Students of Pharmacy, Operation Immunization National Winner. by *Dixon, *Person, *Norris, *McNally.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 25 -- Naming and Designating - Designates October, 2001, as "Pregnancy and Infant Loss Awareness Month.". by *Cooper J, *Kurita, *Dixon.

House Calendar and Rules Committee

***Senate Joint Resolution No. 59** -- General Assembly, Statement of Intent or Position - Urges National Center for Public Policy and Higher Education to select Tennessee as one of multi-state participant in long-term strategic planning on state higher education policy using NCPHE's Measuring Up 2000 report. by *Rochelle, *Williams.

House Education Committee

***Senate Joint Resolution No. 129** -- Highway Signs - "Joseph Julian Henry Memorial Bridge," S.R. 75 over Holston River in Sullivan County. by *Ramsey.

House Transportation Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1996 -- Alcoa - Subject to local approval, sets salary of board of education chairman at one-half mayor's salary per month, and sets salary for all other board of education members at one-half city commissioner's salary per month. Amends Chapter 510 of the Private Acts of 1919; as amended. by *McCord, *Overbey.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 524** -- Boards and Commissions - Gives board of osteopathic examiners authority to set by rule number and type of continuing education hours necessary to renew license as osteopathic physician instead of setting hours in law at 16 clock hours of formal postgraduate education in program, internship, or residency approved by board. Amends TCA Section 63-9-107. by *Crowe, *Dixon. (HB1333 by *Armstrong)

***Senate Bill No. 582** -- General Assembly, Studies - Extends special committee to study issues relating to natural gas distribution and deregulation of natural gas in Tennessee from February 1, 2001, until February 1, 2003. Amends TCA Section 7-82-301 and Title 65. by *Haynes, *Burks. (HB1287 by *Armstrong, *Curtiss, *Fitzhugh, *Cole (Carter), *McDaniel, *Tindell)

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Senate Bill No. 1095 -- Highway Signs - "Lynn McCarthy Ross Memorial Highway," segment of I-40 in Madison County. by *Carter. (*HB747 by *Langster, *Kisber, *Jones U (Shelby), *Pruitt, *Head, *Rinks, *DeBerry J, *DeBerry L, *Armstrong, *Jones, S.)

***Senate Bill No. 1321** -- Professions and Occupations - Revises composition of board of psychology and adds senior psychological examiner and certified psychological assistant as levels of psychological practice. Amends TCA Title 63. by *Graves, *Henry, *Fowler. (HB1331 by *Armstrong, *McDonald, *Lewis, *DeBerry J, *Jones, S., *Hargett, *Davis (Washington), *Patton, *Briley, *Arriola, *Ferguson, *Overbey, *Shepard, *Odum, *Bittle)

Senate Bill No. 1326 -- Civil Service - Deletes language in section allowing appointing authority to fill vacancy without submitting certain information to commissioner of personnel. Amends TCA Title 8. by *Henry. (*HB635 by *Kisber)

***Senate Bill No. 1358** -- Highway Signs - Williamson County Agriculture Center, I-65 at S.R. 96 in Williamson County. by *Haynes. (HB847 by *Williams (Williamson))

***Senate Bill No. 1415** -- Motor Vehicles - Requires venue for any action, arbitration, or mediation between parties or manufacturer and motor vehicle dealer to be state of Tennessee; venue to contrary cannot be waived by contract or other agreement. Amends TCA Title 55, Chapter 17. by *Person. (HB1204 by *Buck)

***Senate Bill No. 1473** -- Public Records - Excludes computer codes and computer access information from definition of public records. Amends TCA Section 10-7-504. by *Henry, *Burks. (HB867 by *Kisber)

***Senate Bill No. 1600** -- Garnishments and Executions - Clarifies exemption of Roth IRAs from attachment, execution, or garnishment. Amends TCA Title 26, Chapter 2, Part 1. by *Atchley. (HB1456 by *Kisber)

Senate Bill No. 1627 -- Alcoholic Offenses - Specifies that beer and malt beverages are included under prohibition against selling, furnishing, disposing of or giving alcohol to minors. Amends TCA § 57-4-203. by *Burchett, *Burks. (*HB1350 by *Kent)

Senate Bill No. 1763 -- Utilities, Utility Districts - Creates Bledsoe County Regional Water Authority. by *Eisea. (HB1798 by *Rhinehart)

***Senate Bill No. 1813** -- Transportation, Dept. of - Urges department to complete advanced planning report and begin environmental studies on widening US 70 from Waverly to Dickson. by *Jackson. (HB1701 by *Tidwell)

***Senate Bill No. 1841** -- Tennessee Emergency Management Agency (TEMA) - Permits political subdivisions to enter into certain agreements among themselves relative to losses and liabilities in emergency situations. Amends TCA Title 58, Chapter 2. by *McNally. (HB1891 by *Head)

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 17, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 19, 2001**: House Bill(s) No(s). 1316, 1300, 517, 1245.

The Committee also set the following bill(s) on the **Regular Calendar** for **April 23, 2001**: House Bill(s) No(s). 913, 1562, 291, 983 and 1397.

It further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 23, 2001**: House Joint Resolution(s) No(s). 181, House Bill(s) No(s). 1291, 1482, 1331, 1828 and 1362.

AGRICULTURE

The Agriculture Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1851 and 1005 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reports that House Bill(s) No(s). 1327 and 1716 were considered, but failed to pass.

CHILDREN AND FAMILY AFFAIRS

The Children and Family Affairs Committee recommended for passage: House Bill(s) No(s). 817 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 1190, House Joint Resolution(s) No(s). 14; also House Bill(s) No(s). 1156, and 1378 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 542 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 1643, 1644, also House Bill(s) No(s). 1055, 853, and 1183 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 745, 1645; also House Bill(s) No(s). 743 and 619 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 1672, 467, also House Bill(s) No(s). 1776, 376 and 1679 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1133, 1127, 1513, 1685, 1500, 705, 1255, also House Bill(s) No(s). 1409, 1412, 1731 and 1529 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 942, 945, 950, 965, 979, also House Bill(s) No(s). 1620 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommended that House Bill(s) No(s). 1180 be transmitted to the Education Committee, House Bill(s) No(s). 740, also House Bill(s) No(s). 1712 with amendments be transmitted to the Health and Human Resources Committee, House Bill(s) No(s). 1614 be transmitted to the Judiciary Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1169, 1170; also House Bill(s) No(s). 1356, 368, and 1633 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1028, 1603, 539, 1922, also House Bill(s) No(s). 344, 1517, 452, 252, 635 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 476, 912, 121, House Joint Resolution(s) No(s). 145; also House Bill(s) No(s). 1844 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 18, 2001**, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1267 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 538 and House Joint Resolution(s) No(s). 158 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 413, also House Bill(s) No(s). 1084, and 1302 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 998, 561; also House Bill(s) No(s). 712 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 1825, Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1909, House Joint Resolution(s) No(s). 125 and 180; also House Bill(s) No(s). 825, 1931, 1932, 1933, 1675 and 774 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 19, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 23, 2001**: House Bill(s) No(s). 1576, 810, 811, 1678, 467, 1679, 1374, 1125, 853, 1173 and 1156.

The Committee set the following bill(s) on the **Regular Calendar for April 25, 2001**: House Bill(s) No(s). 1183, 519, 376, 234 and 304.

The Committee also set the following bill(s) on the **Regular Calendar for April 26, 2001**: House Bill(s) No(s). 1055.

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It further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 23, 2001**: House Joint Resolution(s) No(s). 203, House Bill(s) No(s). 1140, 1134, 1771, 1775, 818, 1136, 1137 and 1378.

CONSENT CALENDAR

House Resolution No. 54 -- Memorials, Retirement - Eugene D. Crowell. by *Phillips.

House Resolution No. 55 -- Memorials, Personal Occasion - Mr. and Mrs. Eugene Matthew Miller, 50th wedding anniversary. by *Patton, *Davis (Washington).

House Joint Resolution No. 237 -- Memorials, Sports - Dresden Lady Lions, T-N-T State Tournament Champions. by *Maddox.

House Joint Resolution No. 238 -- Memorials, Recognition - Mt. Olivet Baptist Church, 200 Year Anniversary, April 25, 2001. by *Bone.

House Joint Resolution No. 239 -- Memorials, Personal Occasion - Martha Britton Dixon, 50th birthday. by *Bone.

House Joint Resolution No. 241 -- Memorials, Academic Achievement - Mary Evelyn Harris, Valedictorian, Oakland High School. by *Beavers.

House Joint Resolution No. 242 -- Memorials, Academic Achievement - Kristi Gannon, Co-Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 243 -- Memorials, Academic Achievement - Crystal Gregory, Salutatorian, LaVergne High School. by *Beavers, *Sands, *Johnson.

House Joint Resolution No. 244 -- Memorials, Academic Achievement - Melanie Blair, Valedictorian, LaVergne High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 245 -- Memorials, Academic Achievement - Jennifer Johnson, Salutatorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 246 -- Memorials, Academic Achievement - Katie Robinson, Co-Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 247 -- Memorials, Academic Achievement - Monica Braun, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 248 -- Memorials, Academic Achievement - Eugene DePrince, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 249 -- Memorials, Academic Achievement - Sarah N. Cunningham, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 250 -- Memorials, Academic Achievement - Sarah Kumpf, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

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House Joint Resolution No. 251 -- Memorials, Academic Achievement - Bethany Leigh Gailbreath, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 252 -- Memorials, Academic Achievement - Ruth Elizabeth Martin, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 253 -- Memorials, Academic Achievement - Erin Macbeth, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 254 -- Memorials, Academic Achievement - Jessica Owens, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 255 -- Memorials, Academic Achievement - Ryan S. Peters, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 256 -- Memorials, Academic Achievement - David Sims, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 257 -- Memorials, Academic Achievement - Marcus James Jackson, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 258 -- Memorials, Academic Achievement - Tabbetha Lynese Martin, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 259 -- Memorials, Academic Achievement - Blake Tankersley, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 260 -- Memorials, Academic Achievement - Susan Hunt, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 261 -- Memorials, Academic Achievement - Andrew Macemon, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 262 -- Memorials, Academic Achievement - Adam W. Nicholson, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 263 -- Memorials, Academic Achievement - Caleb Barrett, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

Senate Joint Resolution No. 164 -- Memorials, Sports - Oakland High School Lady Patriots, TSSAA Class AAA Basketball Finalists. by *Trail.

Senate Joint Resolution No. 209 -- Memorials, Recognition - Clark E. LaGrange. by *Person, *Cohen, *Ford J, *Kyle, *Norris, *Dixon.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes96
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1874 -- Election Laws - Requires county election commission to provide central voting location as option for registered voters of county who have changed residence to new address within county of registration but outside such voter's former voting precinct and who originally went to incorrect polling place. Amends TCA Section 2-7-140. by *Cole (Dyer). (*SB1860 by *Burchett)

Further consideration of House Bill No. 1874 previously considered on April 5, 2001, at which time it was reset for today's Calendar.

Rep. Cole (Dyer) moved that House Bill No. 1874 be reset for the Regular Calendar on April 23, 2001, which motion prevailed.

***House Bill No. 1392** -- Human Services, Dept. of - Mandates department employees access to financial and law enforcement records for adult abuse investigations; establishes procedure to order production of records; removes department from claims under department of mental health and developmental disabilities claims. Amends Titles 45 and 71 of the TCA. by *Hargett, *Boyer. (SB1669 by *Fowler, *Clabough)

Rep. Hargett moved that House Bill No. 1392 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1392 by deleting SECTION 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-6-103(j), is amended by deleting the last sentence, by designating the existing language of the subsection, as amended, as subdivision (1), and by adding the following new subdivisions:

(2) To complete the investigation required by this part, any authorized representative of the department actively involved in the conduct of an investigation pursuant to this part shall be allowed access to any law enforcement records or personnel records, not otherwise specifically protected by statute, of any person who is:

(A) a caretaker of the adult, or

(B) the alleged perpetrator of abuse, neglect or exploitation of the adult, who is the subject of the investigation.

(3)(A) If refused any information pursuant to subdivisions (1) and (2), any information from any records necessary for conducting investigations pursuant to this part may be obtained upon motion by the department to the circuit, chancery or general sessions court of the county where such records are located, or in the court in which any proceeding concerning the adult may have been initiated or in the court in the county in which the investigation is being conducted.

(B) The order on the department's motion may be entered ex parte upon a showing by the department of an immediate need for such information.

(C) The court may enter such orders as may be necessary to ensure that the information sought is maintained pending any hearing on the motion, and to protect the information obtained from further disclosure if the information is made available to the department pursuant to the court's order.

(4)(A) The department may be allowed access to financial records that are contained in any financial institution, as defined by § 45-10-102(3) regarding:

(i) the person who is the subject of the investigation;

(ii) any caretaker of such person; and

(iii) any alleged perpetrator of abuse, neglect or exploitation of such person;

(B) by the issuance of an administrative subpoena in the name of the commissioner or an authorized representative of the commissioner which is:

(i) directed to the financial institution, and

(ii) which complies with the provisions of §§ 45-10-106 and 45-10-107; or

(C) by application, as otherwise required pursuant to § 45-10-117, to the circuit or chancery court in the county in which the financial institution is located, or in the court in which any proceeding concerning the adult may have been initiated or in which the investigation is being conducted, for the issuance of a judicial subpoena that complies with the requirements of § 45-10-107; provided that the department shall not be required to post a bond pursuant to § 45-10-107(4).

(D) Nothing in this subdivision shall be construed to supersede the provision of financial records pursuant to the permissible acts allowed pursuant to § 45-10-103.

(4) Any records received by the department, the confidentiality of which is protected by any other statute or regulation, shall be maintained as confidential pursuant to the provisions of such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to its authority pursuant to this part or title 33 or 34.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Hargett moved that **House Bill No. 1392**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Cooper, DeBerry L -- 2.

A motion to reconsider was tabled.

House Bill No. 1657 -- Capitol - Requires submission to capitol commission of plan to close streets in conjunction with events at capitol, legislative plaza, or war memorial building. Amends TCA Title 4, Chapter 8, Part 3. by *Davidson. (*SB1197 by *Cooper J)

Further consideration of House Bill No. 1657 previously considered on April 9, 2001 and April 11, 2001, at which time it was reset for today's Calendar.

Rep. Davidson moved that House Bill No. 1657 be passed on third and final consideration.

Rep. Davidson moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1657 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 4-8-302(a), is amended by adding the following new subdivision:

() To review any plan or proposal for closing any street immediately contiguous to the capitol, legislative plaza, or the war memorial building in conjunction with any event held at the capitol, legislative plaza or war memorial building and to adopt or reject such plan or proposal within ten (10) days of its submission. Failure to adopt or reject such plan or proposal within ten (10) days of its submission shall be deemed as approval. In case of emergency or urgent public necessity when it is not reasonably possible for the capitol commission to consider such plan or proposal in advance, submission and approval shall not be required. Notwithstanding the provisions of subsection (b), no concurrence in the approval of such plan or proposal by the state building commission shall be required.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Bill No. 1657**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1697 -- Election Laws - Clarifies when ballot may be counted; establishes guidelines for counting ballot in counties using punch card type voting system. Amends TCA Title 2. by *McKee, *Roach, *Davis (Washington), *Montgomery, *Johnson. (*SB1796 by *Burchett)

Further consideration of House Bill No. 1697 previously considered on April 5, 2001, at which time it was reset for today's Calendar.

Rep. McKee moved that House Bill No. 1697 be passed on third and final consideration.

Rep. Kisber moved to re-refer House Bill No. 1697 to the House State and Local Government Committee, which motion prevailed by the following vote:

Ayes	51
Noes	43

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brown, Buck, Caldwell, Chumney, Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Fowlkes, Garrett, Givens, Hood, Jones S, Jones U, Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Odom, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Sands, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), West, White, Williams, Windle, Winningham -- 51.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Brooks, Bunch, Buttry, Clem, Cole (Carter), Cole (Dyer), Davis (Washington), Davis (Cocke), Dunn, Ford, Fraley, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Johnson, Kent, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Overbey, Patton, Pleasant, Rowland, Sargent, Scroggs, Sharp, Stanley, Vincent, Walker, Westmoreland, Whitson, Wood -- 43.

THURSDAY, APRIL 19, 2001 – TWENTY-NINTH LEGISLATIVE DAY

***House Bill No. 1458** -- Energy - Broadens certain powers of energy acquisition corporation. Amends TCA Title 7, Chapter 39, Part 3. by *Kisber. (SB1879 by *Rochelle, *Carter)

Further consideration of House Bill No. 1458 previously considered on April 16, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Kisber moved that House Bill No. 1458 be reset for the Regular Calendar on April 30, 2001, which motion prevailed.

House Bill No. 1316 -- Public Utilities - Requires party responsible for excavation or demolition project to install new underground utility with sufficient clearance to permit maintenance of existing utilities and to avoid damaging existing utilities. Amends TCA Section 65-31-110. by *Head, *Curtiss, *Winningham, *Fitzhugh, *Phillips. (*SB330 by *Clabough, *Burks, *Clabough)

On motion, House Bill No. 1316 was made to conform with **Senate Bill No. 330**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that **Senate Bill No. 330** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

THURSDAY, APRIL 19, 2001 – TWENTY-NINTH LEGISLATIVE DAY

House Bill No. 1300 -- Domestic Violence - Adds commissioner of labor and workforce development, or commissioner's representative, to domestic violence state coordinating council. Amends TCA Title 4; Title 38, Chapter 12 and Title 50. by *Bowers. (*SB1607 by *Kurita)

Rep. Bowers moved that **House Bill No. 1300** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

House Bill No. 517 -- Local Government, General - Revises certain provisions of "Adult-Oriented Establishment Registration Act of 1998." Amends TCA Title 7, Chapter 51, Part 11. by *Fowlkes. (*SB403 by *Jackson)

On motion, House Bill No. 517 was made to conform with **Senate Bill No. 403**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 403 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 403 By deleting Section 7 of the printed bill in its entirety and by substituting instead the following language:

SECTION 7. Tennessee Code Annotated, Section 7-51-1110(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) The board shall have the burden of showing that the denial of an application under this section is not arbitrary or capricious. If a denial of the application by the board is found by the court to be clearly erroneous, the court may overturn the action as being arbitrary or capricious.

AND FURTHER AMEND by deleting Section 10 of the printed bill in its entirety and by substituting instead the following language:

SECTION 10. Tennessee Code Annotated, Section 7-51-1111(d), is amended by deleting the last sentence and by substituting instead the following:

The application for renewal shall be upon a form provided by the board and shall contain such information and data relative to the renewal request (such as the applicant's qualifications, or whether there are grounds for denying the renewal), given under oath or affirmation, as may be required by the board.

AND FURTHER AMEND by deleting Section 12 of the printed bill in its entirety and by substituting instead the following language:

SECTION 12. Tennessee Code Annotated, Section 7-51-1114(a), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

(a) No operator, entertainer or employee of an adult-oriented establishment (either on the premises or in relation to the person's role as an operator, entertainer, or employee of an adult-oriented establishment) shall permit to be performed, offer to perform, perform, or allow patrons to perform sexual intercourse or oral or anal copulation or other contact simulation of the genitalia.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 403**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

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Representatives present and not voting were: Rhinehart -- 1.

A motion to reconsider was tabled.

House Bill No. 1245 -- Driver Licenses - Modifies graduated driver licensing. Amends TCA Title 55, Chapter 50, Part 3. by *Fowlkes. (*SB1286 by *Cohen)

Rep. Fowlkes moved that **House Bill No. 1245** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Pruitt moved that the rules be suspended for the purpose of introducing House Resolution No. 56 out of order, which motion prevailed.

House Resolution No. 56 -- Naming and Designating - Mount Nebo Baptist Church Day, April 22, 2001. by *Pruitt.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pruitt, with the request that all members voting aye be added as sponsors, the resolution was adopted.

RULES SUSPENDED

Rep. Black moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 181 out of order, which motion prevailed.

House Joint Resolution No. 181 -- Naming and Designating - Designates first week of May as JAYS (Jaycees Against Youth Smoking) Week. by *Black.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Black, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Montgomery moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 269 out of order, which motion prevailed.

House Joint Resolution No. 269 -- Memorials, Recognition - Mary C. Queen. by *Montgomery.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Montgomery, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Williams moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 159 out of order, which motion prevailed.

Senate Joint Resolution No. 159 -- Naming and Designating - May 2001, "Jaycees Against Youth Smoking Month". by *Williams, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

On motion of Rep. Williams, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Garrett moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 177 out of order, which motion prevailed.

Senate Joint Resolution No. 177 -- Naming and Designating - "Kelly Lynn Greene Day," April 21, 2001. by *Haynes.

On motion of Rep. Garrett, the resolution was concurred in.

A motion to reconsider was tabled.

ANNOUNCEMENTS

RULES SUSPENDED

On motion of Rep. Fitzhugh, the rules were suspended to introduce and pass the following bill on first consideration:

House Bill No. 1998 -- Lauderdale County - Subject to local approval, decreases county highway commission from two members to one member. Amends Chapter 304 of the Private Acts of 1929; as amended. by *Fitzhugh.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 70: Rep(s). U. Jones as first prime sponsor(s).

House Joint Resolution No. 203: Rep(s). McDaniel as prime sponsor(s).

House Joint Resolution No. 209: Rep(s). Walker as prime sponsor(s).

House Bill No. 69: Rep(s). Buck as first prime sponsor(s).

House Bill No. 557: Rep(s). Windle as prime sponsor(s).

House Bill No. 838: Rep(s). Windle as prime sponsor(s).

House Bill No. 983: Rep(s). Kernell as prime sponsor(s).

House Bill No. 1243: Rep(s). J. DeBerry, Kent and L. DeBerry as prime sponsor(s).

House Bill No. 1278: Rep(s). Cooper as prime sponsor(s).

House Bill No. 1374: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1538: Rep(s). Cooper as prime sponsor(s).

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House Bill No. 1576: Rep(s). Kent, Cole (Carter), Boyer, McDaniel, Davis (Cocke), Whitson and L. DeBerry as prime sponsor(s).

House Bill No. 1620: Rep(s). Brooks as prime sponsor(s).

House Bill No. 1670: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 1678: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1701: Rep(s). Bone as prime sponsor(s).

House Bill No. 1753: Rep(s). White as prime sponsor(s).

House Bill No. 1841: Rep(s). Briley as prime sponsor(s).

House Bill No. 1921: Rep(s). Cooper as prime sponsor(s).

ENGROSSED BILLS

April 19, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 238 and 239.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 732; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 789; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1625; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 916; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 240; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 19, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 181.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 175; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 238 and 239; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 19, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1245, 1300, 1392, 1657, also, House Joint Resolution(s) No(s). 237, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263 and 269.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 19, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1306, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 19, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1958, without his signature.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 205, 206, 207, 208, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226 and 227; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 97, 152, 474, 1192, 1403, 1622, 1769; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 97** -- Sunset Laws - Tennessee corrections institute, board of control, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 7. by *Harper. (HB957 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 152** -- Sunset Laws - Department of environment and conservation, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Harper. (HB932 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 474** -- Insurance Companies, Agents, Brokers, Policies - Requires insurer that fails to return unearned premiums to finance company within 30 days of cancellation of financed insurance contract be liable for finance charges or interest assessed against policyholder. Amends TCA Section 56-37-111. by *Kyle. (HB1490 by *McMillan)

***Senate Bill No. 1192** -- Banks and Financial Institutions - Allows financial institutions to furnish information or records to extent provided under federal law so long as consumer disclosure requirements and opt-out provisions are fulfilled. Amends TCA Title 45, Chapter 10. by *Clabough, *Dixon. (HB1628 by *Lewis, *Rhinehart, *McDaniel, *Hood, *Hagood, *Fitzhugh, *Sands)

THURSDAY, APRIL 19, 2001 – TWENTY-NINTH LEGISLATIVE DAY

***Senate Bill No. 1403** -- Employees, Employers - Requires, when minor takes drug test as part of job application process, notification to parents or guardians of minors' drug test results. Amends TCA Title 50, Chapter 9. by *Haynes, *Burks. (HB1084 by *West)

***Senate Bill No. 1622** -- Insurance, Health, Accident - Authorizes certain non-profit business coalitions for health to pool liabilities to qualify as self-insurers. Amends TCA Section 56-26-204. by *Clabough, *Fowler, *Dixon. (HB1513 by *McKee, *Patton, *Hagood)

***Senate Bill No. 1769** -- Driver Licenses - Imposes \$2.00 supplemental fee on applications for certain driver licenses earmarked for construction or operation of additional driver testing stations; creates driver testing station reserve within general fund; requires department of safety to study efficiency of driver testing stations. Amends TCA Title 55, Chapter 50. by *Kyle. (HB1675 by *Scroggs)

ENROLLED BILLS

April 19, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 916, 1625; House Joint Resolution(s) No(s). 205, 206, 207, 208, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 238, 239, 240; also, House Resolution(s) No(s). 54, 55 and 56.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 19, 2001

The Speaker signed the following: House Bill(s) No(s). 916, 1625; House Joint Resolution(s) No(s). 205, 206, 207, 208, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 238, 239, 240; also, House Resolution(s) No(s). 54, 55 and 56.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 916, 1625; also, House Joint Resolution(s) No(s). 205, 206, 207, 208, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 238, 239 and 240; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 19, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 916, 1625; also, House Joint Resolution(s) No(s). 205, 206, 207, 208, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 238, 239 and 240.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 19, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 330, 1547, 1650; also, Senate Joint Resolution(s) No(s). 159, 177 and 209 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

April 19, 2001

The Speaker signed the following: Senate Bill(s) No(s). 330, 1547 and 1650; also, Senate Joint Resolution(s) No(s). 159, 177 and 209.

MESSAGE FROM SENATE

April 19, 2001

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 407, for further consideration.

RUSSELL A. HUMPHREY, Chief Clerk.

CONSENT CALENDAR

April 19, 2001

The following local bills have been placed on the Consent Calendar for **April 23, 2001**: House Bill(s) No(s). 1990, 1992 and 1994.

ROLL CALL

The roll call was taken with the following results:

Present96

THURSDAY, APRIL 19, 2001 – TWENTY-NINTH LEGISLATIVE DAY

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 5:00 p.m. Monday, April 23, 2001.